

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

| | | |
|------------------------|---|------------------------------|
| In re: Edward A. Davis |) | Case No. 17-17251 |
| Christine M. Davis |) | Chapter 13 Proceedings |
| Debtors. |) | Judge Jessica E. Price Smith |

**CHAPTER 13 TRUSTEE'S OBJECTION TO DEBTORS'
THIRD MOTION TO MODIFY PLAN**

Now comes **LAUREN A. HELBLING**, the duly appointed and qualified Standing Chapter 13 Trustee ("Trustee") herein, by and through counsel, and hereby objects to the Debtors' Third Motion to Modify Plan filed with this Court on May 3, 2018 (hereinafter "Debtors' Motion"). In support of her objection, the Trustee makes the following representations to the Court:

1. The Trustee's Objection to Confirmation filed with the Court on January 25, 2018 has not been resolved. Specifically, the following paragraph is not resolved: 1) Disposable Income. The Debtors amended Form 22C-2, however Line 16 does not account for the over withholding of taxes and Line 23 includes an expense that is already part of the standard deductions. The Debtors also do not account for Mr. Davis' bonus income. The Debtors' need to offer to general unsecured creditors 100% to comply with Section 1325(b).

2. The Trustee does not believe the Debtor's Motion complies with *Baud v. Carroll*, 634 F.3d 327, (C.A. 6 (Mich.) 2011) as the Debtor's plan will complete less than the applicable commitment period of 60 months.

3. The Trustee requests disclosure as to how the bonus Mr. Davis received on February 2018 were spent.

4. The Trustee requests disclosure as to the income of the Debtors' adult son and his girlfriend that live in the household.

WHEREFORE your Trustee, being a proper party in interest, hereby moves this Honorable Court to deny the Debtors' Motion for the reasons cited.

Respectfully submitted,

/S/ Holly Davala

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CERTIFICATE OF SERVICE

I certify that on May 8, 2018, a true and correct copy of Trustee's Objection was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

William J. Balena, Attorney, on behalf of Debtors, at docket@ohbksource.com

And by regular U.S. mail, postage prepaid, on:

Edward A. Davis, Debtor and Christine M. Davis, Debtor at 895 Jamestown Avenue,
Elyria, OH 44035

/S/ Holly Davala

HOLLY DAVALA (#0070447)

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HD/alh

5/8/18